

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

ORIGINAL  
FILE

RECEIVED

APR 17 1991

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In re Applications of ) MM Docket No. 91-10  
WHITE BROADCASTING PARTNERSHIP )  
et al. ) File No. BPH-891214MM

For Construction Permit for a New FM Station  
Station on Channel 289A in Baldwin, Florida

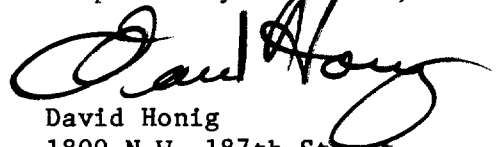
To: Hon. Edward Luton, Administrative Law Judge

RESUBMISSION OF PETITION FOR LEAVE TO AMEND

Peaches Broadcasting, Ltd. ("Peaches") respectfully resubmits the Petition for Leave to Amend it filed on February 1, 1991, reporting the withdrawal from Peaches of its initial limited partner, Stephan Weissman, and the entry into Peaches of a new limited partner, United Communications, Inc.

The amendment was returned by the Audio Services Branch on April 8 because the proceeding had been designated for hearing. Unbeknownst to Peaches, the HDO, 6 FCC Rcd 863, had been adopted on January 25, 1991. However, it was not released until February 11, 1991, ten days after Peaches' tendered its amendment.

Respectfully submitted,

  
David Honig  
1800 N.W. 187th Street  
Miami, Florida 33056  
(305) 628-3600

Counsel for Peaches Broadcasting, Ltd.

April 17, 1991

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554

APR 08 1991

IN REPLY REFER TO:

8920-MD

DAVID HONIG, ESQUIRE  
1800 N.W. 187TH STREET  
MIAMI, FLORIDA 33056

In re: City, State	Baldwin, FL
Applicant	Peaches Broadcasting, LTD.
Channel	289
File Number	BPH-891214MN

Dear Applicant:

This is in reference to the amendment received in the Commission on  
2/1/91 to the above captioned application.

Amendments can be filed only if an application is currently pending with the Commission. Also, amendments cannot be filed as to returned or dismissed applications which are currently the subject to petitions for reconsideration or applications for review. The application you are attempting to amend was:

- ☐ Returned on \_\_\_\_\_.
- ☐ Dismissed on \_\_\_\_\_.
- ☐ Granted on \_\_\_\_\_.
- ☐ Designated for hearing on 1/25/91.

Accordingly, your amendment cannot be processed as submitted, and IS HEREBY RETURNED.

In the event your application was designated for a hearing, you may wish to review Section 73.3522(b) of the FCC Rules entitled "Post Designation Amendment". Amendments submitted post-designation should be filed with the presiding Administrative Law Judge.

Sincerely,

*Dennis Williams*

Dennis Williams  
Chief, FM Branch  
Audio Services Branch  
Mass Media Bureau

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

In re application of  
Peaches Broadcasting, Ltd.

for construction permit for a  
new FM station on Channel 289A,  
Baldwin, Florida

To the Chief, Mass Media Bureau

FEB 4 3 21 PM '91  
File No. BPH-891214MN  
AUDIO SERVICES  
DIVISION

RECEIVED

FEB 1 - 1991

Federal Communications Commission  
Office of the Secretary

PETITION FOR LEAVE TO AMEND

Peaches Broadcasting, Ltd. ("Peaches"), by counsel,  
respectfully petitions for leave to submit an Amendment to its  
application, reporting that its initial limited partner, Stephan  
Weissman, withdrew from the partnership as of December 26, 1990. On  
that day, Mr. Weissman's interest was assigned to United  
Communications, Inc. ("UCI"). In connection with these transactions,  
Peaches seeks to amend its application as follows:

1. Section II, Q. 3 would be amended to reflect that on  
January 29, 1991, an Amendment to its Certificate of Limited  
Partnership is to be filed in Tallahassee, Florida with the Florida  
Secretary of State.

2. Section II, Q. 5 would be amended to delete Mr. Weissman as  
a limited partner and to add the following information as to UCI:

- (1) United Communications, Inc., 1425 Fourth St. S.W.  
#A-105, Washington, D.C. 20024.
- (2) District of Columbia Corporation
- (3) Sole Limited Partner
- (4) 75% equity interest (all 15 Units of limited  
partnership interest)
- (5) None

RECEIVED

FEB 04 1991

FM EXAMINER

- (6) Zero
- (7) None
- (8) See Exhibit 1.

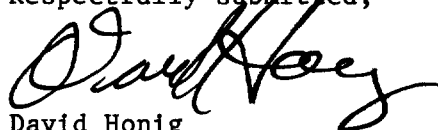
3. In connection with UCI's entry into the partnership, the responses to Section II, Q. 7(b) and (c) and (e) would be changed from No to Yes. These responses are further explained in a Revised Exhibit 1, appended to the Amendment accompanying this Petition. That amendment also reports the broadcast employment of Frederick Matthews, the President of Peaches' General Partner.

4. The responses to Section III, Q. 3 would be amended by deleting Mr. Weissman and adding the following information:

<u>Source of Funds</u>	<u>Telephone Number</u>	<u>Relationship</u>	<u>Amount</u>
United Communications, Inc. 1425 Fourth St. S.W. #A-105, Washington, D.C. 20024	(c/o Lawrence P. Doss, President: 313-891-4524	Limited Partner	\$65,000 toward prosecution expenses

An Amendment reporting the foregoing information is appended hereto along with the declaration of Mr. Matthews. This Amendment is filed in order to comply or substantially comply with §1.65 of the Commission's Rules.

Respectfully submitted,



David Honig  
1800 N.W. 187th Street  
Miami, Florida 33056  
(305) 628-3600

Counsel for Peaches  
Broadcasting, Ltd.

February 1, 1991

Peaches Broadcasting, Ltd.  
File No. BPH-891214MN  
Channel 289A  
Baldwin, Florida

AMENDMENT

The application of Peaches Broadcasting, Ltd. is hereby amended  
to report the following:

1. Section II, Q. 3 is amended to reflect that on January 29, 1991, an Amendment to its Certificate of Limited Partnership is to be filed in Tallahassee, Florida with the Florida Secretary of State.
2. Section II, Q. 5 is amended to delete Mr. Weissman as a limited partner and to add the following information as to UCI:
  - (1) United Communications, Inc., 1425 Fourth St. S.W. #A-105, Washington, D.C. 20024.
  - (2) District of Columbia Corporation
  - (3) Sole Limited Partner
  - (4) 75% equity interest (all 15 Units of limited partnership interest)
  - (5) None
  - (6) Zero
  - (7) None
  - (8) See Exhibit 1.
3. In connection with UCI's entry into the partnership, the responses to Section II, Q. 7(b) and (c) and (e) are changed from No to Yes. These responses are further amplified in a Revised Exhibit 1 appended hereto, which also reports the broadcast employment of Frederick Matthews, President of Peaches' General Partner.
4. The response to Section III, Q. 3 is amended by deleting Mr. Weissman and adding the following information:

<u>Source of Funds</u>	<u>Telephone Number</u>	<u>Relationship</u>	<u>Amount</u>
United Communications, Inc. 1425 Fourth St. S.W. #A-105, Washington, D.C. 20024	(c/o Lawrence P. Doss, President: 313-891- 4524	Limited Partner	\$65,000 toward prosecution expenses

Exhibit 1 (Revised)

Peaches Broadcasting, Ltd.  
Channel 289A  
Baldwin, Florida  
File No. BPH-891214MN

MEDIA INTERESTS

Frederick Matthews formerly owned considerably less than 0.001% (less than 50 shares) of the stock of the Boston Globe pursuant to a stock option plan he exercised while employed at WOKV-AM, Jacksonville, Florida. The Boston Globe no longer owns that station. Mr. Matthews sold his stock over three years ago.

Since May, 1990, Mr. Matthews has been employed as General Manager of WSVE(AM), which is owned by Darrell Spann. Mr. Matthews holds no ownership interest in WSVE(AM). As reported in Peaches' application, Mr. Matthews will resign all outside employment if Peaches' application is granted.

On December 26, 1990, the 75% ownership interest in Peaches formerly held by Stephan Weissman was assigned to United Communications, Inc. ("UCI"). UCI is a District of Columbia Corporation whose address of record is 1425 Fourth St. S.W. #A-105, Washington, D.C. 20024. UCI has one class of shares (common and voting) and 84 shares outstanding. All owners of UCI are U.S citizens. The names, addresses and interests of its stockholders are as follows.

- a. Lawrence Doss  
President, Treasurer, and Board Member  
19.05% owner, holding 16 shares  
19391 Suffolk Dr.  
Detroit, Michigan 48203
- b. Glenn Haydel  
Secretary and Board Member  
11.90% owner, holding ten shares  
4465 Bancroft Dr.  
New Orleans, Louisiana 70122
- c. C.C. Haydel  
7.14% owner, holding six shares (voted by proxy by  
Glenn Haydel)  
4465 Bancroft Dr.  
New Orleans, Louisiana 70122

- d. Dr. Gilbert A. Maddox  
Board Member  
6.12% owner, holding 5.143 shares  
1425 Fourth St. S.W. #A-105  
Washington, D.C. 20024
- e. Gregory Syphax  
2.47% owner, holding 2.075 shares (voted by proxy  
by Dr. Gilbert A. Maddox)  
1439 Locust Rd. N.W.  
Washington, D.C. 20012
- f. Dr. Burke Syphax  
5.69% owner, holding 4.782 shares (voted by proxy  
by Gilbert A. Maddox)  
1370 Hamilton St. N.W.  
Washington, D.C. 20011
- g. Walter Douglas  
Chairman of the Board and Board Member  
3.57% owner, holding three shares  
20035 Lichfield  
Detroit, Michigan 48221
- h. Paul Hubbard  
3.57% owner, holding three shares (voted by proxy  
by Walter Douglas)  
18995 Birchcrest  
Detroit, Michigan 48221
- i. Howard Sims  
3.57% owner, holding three shares (voted by proxy  
by Walter Douglas)  
1326 Nicolet Pl.  
Detroit, Michigan 48207
- j. Samuel Thomas  
3.57% owner, holding three shares (voted by proxy  
by Walter Douglas)  
19360 Burlington  
Detroit, Michigan 48221
- k. Dr. James Freemont  
Board Member  
14.29% owner, holding 12 shares  
3774 Highway 166 West  
Douglasville, Georgia 30134

1. Betty Hood  
4.76% owner, holding four shares (voted by proxy by  
Dr. James Freemont)  
631 Flamingo Dr. S.W.  
Atlanta, Georgia 30311
- m. Jacques Morial  
Board Member  
14.29% owner, holding 12 shares (held in trust for  
the estate of his father, the late Ernest N.  
Morial)  
936 N. Rampart Street  
New Orleans, Louisiana 70116

Family relationships among stockholders of UCI are as follows:

- a. C.C. Haydel is Glenn Haydel's minor son.
- b. Gilbert A. Maddox is Burke Syphax' brother-in-law  
and Gregory Syphax' father-in-law. Gregory Syphax  
is Burke Syphax' adult son.

The media interests of UCI and its principals are all nonattributable. UCI currently holds, or formerly has held, the following investments in FM construction permit applications. In each instance, UCI was or is an insulated limited partner pursuant to a written limited partnership agreement meeting the Commission's requirements as set out in Attribution Rules (Reconsideration), 58 RR2d 615 (1985).

1. UCI held a 49% equity interest in Hairston Broadcasting Limited Partnership ("Hairston"), an applicant for an FM construction permit to serve Mableton, Georgia, MM Docket No. 88-400, File No. BPH-870710NO. Hairston has ceased to exist. Its application was denied in Mableton Broadcasting Company, Inc., 5 FCC Rcd 2474 (ALJ, released April 11, 1990), and Hairston did not appeal. The I.D. found Hairston not to be financially qualified, but the decision did not find UCI or any UCI principal to be at fault in connection with Hairston's financial disqualification.
2. Rocky Mount Broadcasting Limited Partnership ("Rocky Mount") was an applicant for an FM construction permit to serve Rocky Mount, North Carolina, MM Docket No. 88-299, File No. BPH-870430MH. Rocky Mount's application was designated for hearing by HDO, 3 FCC Rcd 4022 (released June 28, 1988). Rocky Mount's application was dismissed pursuant to a settlement. MO&O, FCC 89M-1235 (released April 21, 1989). UCI held a 49% equity interest in Rocky Mount.



3. Sunsett Broadcasting Company L.P. ("Sunsett") was an applicant for an FM construction permit to serve Belle Chasse, Louisiana, MM Docket No. 88-206, File No. BPH-870527MA. Sunsett's application was designated for hearing by HDO, 3 FCC Rcd 2680 (released May 9, 1988). Sunsett's application was dismissed pursuant to a universal settlement of the case by MO&O, FCC 89M-1823 (released July 10, 1989). UCI held a 70% equity interest in Sunsett.
4. UCI held a 20% equity interest in Sylvester Communications Limited Partnership ("Sylvester"), an applicant for an FM construction permit to serve Sylvester, Georgia, File No. BPH-880505ND. Sylvester did not respond to the HDO, 5 FCC Rcd 3054 (released May 16, 1990) in the Sylvester proceeding, and the partnership no longer exists.
5. UCI held a 70% equity interest in Metro Tallahassee Broadcasters ("Metro Tallahassee"), an applicant for an FM construction permit to serve Tallahassee, Florida, MM Docket No. 90-431, File No. BPH-8803240A. Metro Tallahassee did not respond to the HDO, DA 90-1249 (released December 3, 1990) in the Tallahassee FM proceeding, and the partnership no longer exists.
6. UCI holds a 20% equity interest in Southeast Communications Limited Partnership ("Southeast"), an applicant for an FM construction permit to serve Macon, Georgia, MM Docket No. 90-279, File No. BPH-880421MO. Southeast's application was designated for hearing by HDO, 5 FCC Rcd 3504 (released June 12, 1990). Southeast proposes to dismiss its application pursuant to a universal settlement of the case.
7. UCI holds a 75% equity interest in Jamal Broadcasting, L.P., an applicant for an FM construction permit to serve Mt. Juliet, Tennessee, File No. BPH-891012MS. Jamal's application has not yet been designated for hearing.
8. UCI holds a 75% equity interest in Rupert of East Baton Rouge Broadcasting L.P. ("Rupert"), an applicant for an FM construction permit to serve Baker, Louisiana, File No. BPH-881215NQ. Rupert's application has not yet been designated for hearing.

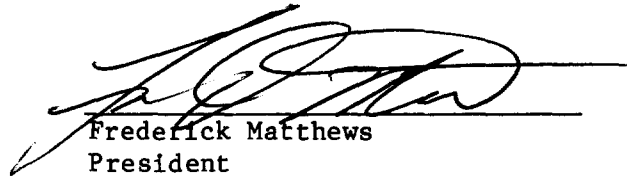
In addition, Dr. James Freemont, a 16.67% stockholder in UCI, is a 50% equity holder and sole limited partner in TFB Associates Limited Partnership ("TFB"), an applicant for an FM construction permit to serve Hogansville, Georgia, MM Docket No. 90-52, File No. BPH-880602NB. TFB is an insulated limited partner pursuant to a written limited partnership agreement meeting the Commission's requirements as set out in Attribution Rules (Reconsideration), 58 RR2d 615 (1985). TFB's application was designated for hearing by HDO, 5 FCC Rcd 948 (released February 21, 1990). After designation for hearing, site availability and site certification issues were designated against TFB; however, the issues did not involve Dr. Freemont in any way. TFB and the other two applicants in the proceeding have proposed to merge; TFB would own 33% of the merged entity, giving Dr. Freemont, indirectly, a 16.5% equity interest in the merged entity. The merger is presently before Judge Kuhlmann for review.

Peaches Broadcasting, Ltd.  
Channel 289A  
Baldwin, Florida  
File No. BPH-891214MN

STATEMENT OF FREDERICK MATTHEWS

This will certify that I have reviewed and approved the  
attached legal amendment to the above-referenced application.

I declare under penalty of perjury that the contents of the  
amendment are true and correct. Executed on 29 Jan 91.

A handwritten signature in dark ink, appearing to read 'F. Matthews', is written over a horizontal line.

Frederick Matthews  
President  
Peaches Production Group, Inc.,  
General Partner of Peaches  
Broadcasting, Ltd.

CERTIFICATE OF SERVICE

I, David Honig, this 17th day of April, 1991, hereby certify that I have placed in U.S. First Class Mail, postage prepaid, a copy of the foregoing "Resubmission of Petition for Leave to Amend" addressed to the following:

Hon. Edward Luton  
Administrative Law Judge  
Federal Communications  
Commission  
2000 L Street N.W.  
Washington, D.C. 20554

Y. Paulette Laden, Esq.  
FCC Hearing Branch  
2025 M Street N.W. #7212  
Washington, D.C. 20554

Denise B. Moline, Esq.  
McCabe & Allen  
9105 Owens Dr.  
Manassas Park, VA 22111  
Counsel for White

Office of the Chief Counsel  
Federal Aviation Administration  
800 Independence Ave. S.W.  
Suite AGC-230  
Washington, D.C. 20591

Arthur V. Belendiuk, Esq.  
Smithwick & Belendiuk  
2033 M Street N.W.  
Washington, D.C. 20036  
Counsel for Johnson

James L. Winston, Esq.  
Rubin Winston & Diercks  
1730 M St. N.W. #412  
Washington, D.C. 20036  
Counsel for Northeast

Avelino G. Halagao, Esq.  
7799 Leesburg Pike #900  
Falls Church, VA 22043  
Counsel for JEM

  
David Honig